



Staff Report

PUBLIC HEARING TO CONSIDER AN ORDINANCE AMENDING CHAPTER 14 OF THE BELMONT MUNICIPAL CODE RELATING TO MOTOR VEHICLES AND TRAFFIC, SPECIFICALLY ADDRESSING THE REMOVAL OF PARKING ENFORCEMENT MARKINGS/INDICATORS

Honorable Mayor and Council Members:

Summary

In response to the actions of individuals who are attempting to circumvent enforcement of timed parking zones, staff recommends adoption of an ordinance prohibiting the removal and/or alteration of marks and/or indicators placed on vehicles by police department personnel engaged in parking enforcement. Violations will be enforced through the City's administrative citation process.

Background

The Police Department has experienced a growing problem with individuals removing and/or altering marks and/or indicators placed on vehicles by police department personnel engaged in the enforcement of timed parking zones to avoid parking citations for timed parking. This has occurred in all areas of the City, but is a particular issue in the Old County Road and Villa Avenue areas, where auto repair shops are operated.

The department has had some success in indentifying the people responsible for wiping off the chalk marks; however, there is no penalty for removing and/or altering marks and/or indicators.

Discussion

The City of Belmont has established timed parking regulations at various locations throughout the city. These regulations assist businesses, customers and residents by providing a method to share limited on-street parking and prevent businesses from utilizing city streets for vehicle storage and in some cases, vehicle repair. Timed parking zones are currently in mixed commercial/residential locations including; Old County Road, El Camino Real, Sixth Ave and Villa Ave.

The method of enforcement for these timed parking zones is labor intensive and requires police employees to place a mark or other indicator on the parked vehicle to determine how long it has been parked at a given location. Typically, this involves a chalk mark placed on the tires. In

order to circumvent enforcement of these time zones, people wipe or otherwise remove, chalk marks/indicators from tires. The absence of an ordinance prohibiting such activity prevents the police department from holding subjects accountable and further encourages this activity. Other San Mateo County cities have similar ordinances, including the City of San Carlos.

Staff recommends the following language be added to Section 14 of the Belmont Municipal Code, relating to Motor Vehicles and Traffic:

Removal of parking enforcement markings prohibited.

It is unlawful for any person to remove, erase, deface, obliterate or render unusable for the purpose of enforcement of parking ordinances, any chalk mark, marker or other device placed on a vehicle or any portion thereof by the City for the purpose of measuring the passage of time or the movement of a vehicle stopped, standing or parked on any street or in any parking lot or structure or portion thereof. If the person committing the violation is acting under the direction of an employer, supervisor, or business owner, either or both may be held responsible.

General Plan/Vision Statement

Establishment of this ordinance furthers the Belmont Vision Statement, adopted October 2003 as outlined below:

Key Value - Easy Mobility

- We put a priority on getting out of, into, and through town efficiently.
- Bicyclists, walkers, and other non-drivers get where they're going easily and safely.
- We require safe residential streets and smooth-flowing thoroughfares.

Fiscal Impact

None.

Public Contact

Posting of the City Council agenda.

Recommendation

Staff recommends introduction of an ordinance amending Chapter 14 of the Belmont Municipal Code relating to motor vehicles and traffic, specifically prohibiting the removal and/or alteration of marks and/or indicators placed on vehicles by police department personnel engaged in parking enforcement. Staff further recommends the Council waive further readings and set the second reading and adoption for September 8, 2008.

Alternatives

1. Take No Action
2. Provide Alternative Direction

Attachments

- A. Copy of ordinance amending Chapter 14 of the Belmont Municipal Code.

Respectfully submitted,

Daniel J. DeSmidt
Police Captain

Jack R. Crist
City Manager

Staff Contact:

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ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF BELMONT ADDING SECTION 14-15A, REMOVAL OF PARKING ENFORCEMENT MARKINGS PROHIBITED, TO CHAPTER 14, MOTOR VEHICLES AND TRAFFIC, OF THE BELMONT MUNICIPAL CODE

The City Council of the City of Belmont does ordain as follows:

SECTION 1: Chapter 14, Article I, Section 14-15A, entitled Removal of parking enforcement markings prohibited, is hereby added to the Belmont Municipal Code as follows:

14-15A. Removal of parking enforcement markings prohibited.

It is unlawful for any person to remove, erase, deface, obliterate or render unusable for the purpose of enforcement of parking ordinances, any chalk mark, marker or other device placed on a vehicle or any portion thereof by the City for the purpose of measuring the passage of time or the movement of a vehicle stopped, standing or parked on any street or in any parking lot or structure or portion thereof. If the person committing the violation is acting under the direction of an employer, supervisor, or business owner, either or both may be held responsible.

SECTION 2: Severability.

If any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance. The City Council of the City of Belmont hereby declares that it would have adopted this Ordinance and each section, subsection, sentence, clause, phrase or portion thereof, irrespective of the fact that any one or more section, subsection, sentence, clause, phrase or portion may be declared invalid or unconstitutional.

SECTION 3: Pursuant to Section 36937 of the Government Code of the State of California, this Ordinance shall take effect and be in full force and effect thirty (30) days after its final passage.

SECTION 4: The City Clerk shall cause this Ordinance to be published and posted in accordance with the requirements of Section 36933 of the Government Code of the State of California.

Introduced this _____ day of _____, 2008.

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PASSED AND ADOPTED as an Ordinance of the City of Belmont at a regular meeting thereof held on the _____ day of _____, 2008.

AYES, COUNCILMEMBERS: _____

NOES, COUNCILMEMBERS: _____

ABSENT, COUNCILMEMBERS: _____

ABSTAIN, COUNCILMEMBERS: _____

Mayor of the City of Belmont

ATTEST:

Clerk of the City of Belmont

